



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,141	07/30/2003	John J. Giobbi	47079-0107D2	9474
30223	7590	08/04/2006	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606				YOO, JASSON H
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/630,141	GIOBBI, JOHN J.
	Examiner Jasson Yoo	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 75 and 78-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 75 and 78-83 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/25/06</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 75, 78-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven (US 5,429,361) in view of Sizer (US 5923252) and in view of Weston (US 2001/0034257).

Claims 75 and 83; Raven discloses a player tracking system for a gaming machine wherein data carried on a player's portable data unit is used to access monetary information from the player's monetary account stored at a central host computer, the player's account is associated with the personal identifier; monetary

information is transmitted from the central host computer to gaming machine and a game is played on the machine using the transmitted information. See, e.g., *fig. 1-3; col. 1:38-2:3, 10:37-11:62*. When the player is not interacting with the machine, the player tracking system enters an “attract mode” wherein promotional messages are displayed. See *col. 5:15-29*. Upon detection of a player’s portable data unit, the device displays personalized information. See *fig. 2*. Raven also discloses modifying the game account which includes placing a wager on a game playable on the gaming machine (col. 2:16-19, 4:17-25, 10:47-11:14). With regard to the claim, Raven discloses all the limitations except detecting the presence of a passerby proximate to the gaming machine, the passerby not playing the gaming machine, and modifying the operation of the gaming machine in response to detecting the presence of the passerby. As discussed below, this feature would have been obvious to an gaming artisan in view of Sizer.

Sizer discloses an audiovisual marketing machine capable of detecting a portable data unit carried by a person allowing the device to automatically interact with the person within proximity of the machine using personalized information contained on the data unit. See *col. 6:4-17; 16:14-32*. For example, at a trade show or exhibition a person may be given an RF card containing information on the person. See *id.* When that passerby approaches a device, the device detects the portable data unit and delivers information to the passerby which is personalized according to the identity information contained on the portable data unit. See *id.* Sizer further discloses the

portable data unit includes information for allowing an identity of the passerby to be determined (RF card contains information on the person, col. 16:23-24).

Sizer's system is directed at the attracting a passerby to interact with point-of-sale devices and storing information tracking their interaction. A casino is merely a specialized type of commercial establishment where the point of sale devices are gaming machines. In view of Sizer, it would have been obvious to one of ordinary skill in the art of gaming devices to modify the player tracking system disclosed by Raven, wherein the machine displays an attract mode to players until it detects a player's portable data unit and then displays personalized information, to add the feature of detecting the presence of a passerby proximate to the gaming machine, the passerby not playing the gaming machine and modifying the operation of the gaming machine in response to detecting the presence of the passerby. As suggested by Sizer, the modification would increase use of the game devices by initiating personalized attraction displays when a passerby is within proximity of the gaming device; and at the same time, collecting statistical information on the interaction to increase the effectiveness of future displays. See col. 8:6-49, 15:66-16:32, 22:10-36.

Raven in view of Sizer significantly teaches the claimed invention as discussed above. Raven in view of Sizer teaches a portable device such as a RF ID card or Smart card, transmitting player's information to a gaming machine (Sizer, col. 16:21-32). However, Raven in view of Sizer does not specifically teach a wireless transceiver

disposed portable data unit carried by the passerby. Nevertheless, it is well known in the art for RF cards to have transceivers in order to receives and transmits information. In analogous art to player tracking devices, and Weston discloses a RFID player-tracking card with a wireless transceiver to transmit and receive information regarding player's gaming information (Weston, paragraphs 10-13, 51-58). The RFID player-tracking card is used to identify players and store players' game status such as identifier number, player's name, age, rank or level, total points accumulated, tasks completed, faculties visited, etc. (paragraphs 51-54). The RFID player-tracking card can be used for various devices such as computer games, video games, home game consoles, hand-held games, and the like (paragraph 12). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Raven in view of Sizer's player wireless player-tracking device, and incorporate Weston's wireless transceiver, in order to store and retrieve player's information from the player-tracking device.

Claim 81; Sizer discloses a portable data unit allowing the identity of the passerby to be determined. *See id.*

Claims 78; Raven et al. discloses the method of claim 75 comprising receiving a wager from the passerby. (The system provides features including game accounting; col. 2:16-19, 4:17-25, 10:47-11:14).

Claims 79 and 82; Sizer discloses inviting the passerby to interact with the machine (Sizer, col. 16:26-32). Thus, the system suggested by the combination of Raven, Sizer and Weston, wherein the machine offers a game suggests inviting the passerby to play the machine.

Claim 80; Raven discloses operating in an attract mode prior to detecting the presence of a player. See col. 5:15-29.

Response to Arguments

Applicant's arguments with respect to claims 75, 78-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571) 272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY



CORBETT B. COBURN
PRIMARY EXAMINER